

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1 and 3-19 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Entry of Amendment

It is respectfully requested that the present amendment should be entered into the official file in view of the fact that the amendments automatically place the application in condition for allowance. Specifically, Applicants have rewritten the independent claims to include limitations of the dependent claims which have been indicated as being allowable. Accordingly, no new issues are being presented. The number of claims is being reduced and the application is being placed in *prima facie* condition for allowance.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 2, 3, 5, 13 and 17-19 as being allowable if rewritten in independent form. Although not conceding the appropriateness of the Examiner's rejections, claims 5, 13 and 17 have been rewritten in independent form. Claim 2 has been added to independent claim 1 together with the word "substantially" to place this claim in condition for allowance. Likewise, the limitations of claims 20-24, which duplicate claim 1 have also been added to their respective independent claim making these claims likewise allowable. Accordingly, all of the claims are now in condition for allowance.

Claim for Priority

Applicants note that the Examiner has again acknowledged the claim for foreign priority and indicated that none of the certified copies have been received. However, as indicated in the previous

amendment, this is incorrect since no claim has been made for foreign priority. The Examiner is requested again to note that no claim has been presented.

Double Patenting Rejection

Claims 1-24 stand rejected under the judicially created doctrine of obviousness-type double patenting over the claims of (U.S. Patent 6,146,257). By way of the present amendment, Applicants are submitting a Terminal Disclaimer to overcome this rejection. Accordingly, Applicants submit that this rejection is rendered moot.

Rejection under 35 U.S.C. § 103

Claims 1, 4, 6-12, 14, 15, 16 and 20-24 stand rejected under 35 U.S.C. § 103 as being obvious over Revell (U.S. Patent No. 2,324,025) in view of Lore (U.S. Patent No. 4,303,054). This rejection is respectfully traversed.

By way of the present amendment, Applicants have added the limitations of claim 2 together with the word “substantially” to claim 1 to make this claim allowable as indicated by the Examiner. In addition, the same limitation has been added to independent claims 6, 8, 11, 14 and 15. Dependent claims 20-24 contain the same wording and were previously dependent upon these independent claims. Thus, the limitations of these claims are now included in each independent claim. Applicants submit that the inclusion of this limitation in the independent claims also make them allowable. Specifically, the limitations of amended claim 1 are completely included within the other independent claims. Thus, claim 1 describes the holder, the permanent magnet and the straight member. The other independent claims include all of this structure plus additional features. For example, in claim 6, the holder is described starting in line 2, the permanent magnet is described starting at line 8 and the straight member is described starting at line 11. Since claim 6 includes all of

the features of claim 1 as well as the limitations added from claim 2 to claim 1, this independent claim is likewise allowable. Claims 11, 14 and 15 likewise include all of these limitations and therefore are also allowable. Accordingly, this rejection is now overcome.

Prosecution History Estoppel

Claims 1, 5, 6, 8, 11, 13, 14, 15, and 17 have been amended to clarify the claimed subject matter. No prosecution history estoppel would apply to the interpretation of limitations set forth in these independent claims and the claims that depend therefrom in view of the fact that this subject matter has been continuously presented since the original filing date of the present application.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


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Group Art: 3723
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery, #28,380

JMS/RFG/te
1131-0462P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments: Terminal Disclaimer
\$110.00 check for Terminal Disclaimer Fee